



October 6, 2014

Via ECF

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601

RE: *Deskovic v. City of Peekskill, et al.*, 07-CV-8150 (KMK)

Dear Judge Karas,

In accordance with the Court's October 1, 2014 Order, I write on behalf of all parties to inform the Court of the parties' objections to deposition designations. The parties will be prepared to discuss these objections at the October 9, 2014 pre-trial conference.

The parties have conferred in order to narrow their objections. Plaintiff continues to object the designations listed below, which relate primarily to two categories of testimony: (1) Detectives McIntyre and Levine's belief that Mr. Deskovic is actually guilty of the underlying crime, although the parties in this case have stipulated to Mr. Deskovic's innocence; and (2) Assistant District Attorney Bolen's recollection of Mr. Stephens's polygraph charts. Defendants have no remaining objections.

Plaintiff's Objections to Defendants' McIntyre Designations

| Deposition | Defendants' Designation | Plaintiff's Objection |
|------------------------|--------------------------------|--|
| September. 11, 2009 | 38:9–39:3 | Objection based on Federal Rules of Evidence ("FRE") 401, 402, and 403, and as contrary to the parties' stipulation regarding innocence. |
| | 41:16–42:8 | |
| | 49:4–51:10 | |

Plaintiff's Objections to Defendants' Levine Designations

| Deposition | Defendants' Designation | Plaintiff's Objection |
|-------------------|--------------------------------|--|
| August 7, 2009 | 23:22–24:3 | Objection based on Federal Rules of Evidence 401, 402, and 403, and as contrary to the parties' stipulation regarding innocence. |
| | 27:6–25 | |
| | 28:8–17 | |

Plaintiff's Objections to Defendants' Bolen Designations

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|------------------|----------------|--|
| January 18, 2011 | 441:2–6; 16–19 | Objection based on FRE 403. |
| | 465:7–11 | Objection based on FRE 401, 402, and 403, and Docket Entry 708 at 2 (Order excluding “evidence of third-party conduct”). |
| | 852:21–855:11 | Objection based on FRE 401, 402, and 403 |
| | 944:5–945:23 | |
| | 947:10–950:2 | |
| | 951:20–23 | |

Respectfully submitted,



Farhang Heydari

cc: All counsel (by ECF)